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OFFICE OF PETITIONS

In re Application of

Wolfgang Wuttke et al

Application No. 09/646,740

Filed: September 18, 2000

Attorney Docket No. 43687/AW/W338

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 27, 2004, to revive the above-identified application.

The petition is **GRANTED**.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 10/951,583, filed September 27, 2004.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Files Repository.

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:

CHRISTIE, PARKER & HALE CYNTHIA A. BONNER P.O. BOX 7068 PASADENA CA 91109-7068



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

REVISED FEE SCHEDULE

H.R. 4818, the Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act) was signed by the President and enacted into law on December 8, 2004 (Public Law 108-447). The Consolidated Appropriations Act revises certain patent application and maintenance fees; provides separate fees for a basic filing fee, a search fee, and an examination fee; and requires an additional fee for any patent application whose specification and drawings exceed 100 sheets of paper (application size fee). In addition, the trademark application fee, per class, is revised if submitted by paper or electronically using the Trademark Electronic Application System (TEAS).

Notices will be published in the Federal Register and in the Official Gazette of the United States Patent and Trademark Office to provide additional information.

Any fee amount paid on or after December 8, 2004 must be paid as shown in the revised fee schedule, which reflects when the old filing fees still apply. However, fee amounts paid on or after the following dates for the fees below are subject to the revised fee schedule:

- January 31, 2005, for 37 CFR 2.6(a)(1)(i) and (ii); and
- February 1, 2005, for 37 CFR 1.492(b)(1), (b)(2), and (c)(1).

The fee schedule is available on our Web site at www.uspto.gov. The most up-to-date fee amounts and information, as well as the complete listing and description of fees, are also available on our Web site. Any future changes to the fees will be posted to the Web site. If you have any questions related to patents and trademarks, please call the USPTO Contact Center at (703) 308-4357 or (800) 786-9199, or by fax at (703) 305-7786.

Jo-Anne Barnard

Chief Financial Officer and Chief Administrative Officer

Hinne Burnard

UNITED STATES PATENT AND TRADEMARK OFFICE Effective December 8, 2004*

Any fee amount paid on or after December 8, 2004, must be paid as shown in the revised fee schedule. The fees subject to reduction for small entities that have established status (37 CFR 1.27) are shown in a separate column. For additional information, please call the USPTO Contact Center at (703) 308-4357 or (800) 786-9199.

^{*}The effective date for the fee amounts in 37 CFR 2.6(a)(1) is January 31, 2005.

The effective date for the fee amounts in 37 CFR 1.492(b)(1), (b)(2), and (c)(1) is February 1, 2005.

Fee			Small Entity Fee			
Code	37 CFR	Description	Fee	(if applicable)		
				(п пррисцове)		
Patent App	lication Filing F	Pees				
1011/2011	1.16(a)(1)	Basic filing fee - Utility filed on or after December 8, 2004	300.00	150.00		
4011†	1.16(a)(1)	Basic filing fee - Utility (electronic filing) filed on or after December 8, 2004	N/A			
1001/2001	1.16(a)(2)	Basic filing fee - Utility filed before December 8, 2004	790.00			
1201/2201	1.16(h)	Independent claims in excess of three	200.00			
1202/2202	1.16(i)	Claims in excess of 20	50.00			
1203/2203	1.16(j)	Multiple dependent claim	360.00			
1051/2051	1.16(f)	Surcharge - Late filing fee or oath or declaration	130.00			
1081/2081	1.16(s)	Utility Application Size Fee - for each additional 50 sheets	250.00			
1012/2012	1.16(b)(1)	Basic filing fee - Design filed on or after December 8, 2004	200.00			
1002/2002	1.16(b)(2)	Basic filing fee - Design filed before December 8, 2004	350.00			
1017/2017	1.16(b)(1)	Basic filing fee - Design (CPA) filed on or after December 8, 2004	200.00			
1007/2007	1.16(b)(2)	Basic filing fee - Design (CPA) filed before December 8, 2004	350.00			
1082/2082	1.16(s)	Design Application Size Fee - for each additional 50 sheets	250.00			
1013/2013	1.16(c)(1)	Basic filing fee - Plant filed on or after December 8, 2004	200.00			
1003/2003	1.16(c)(2)	Basic filing fee - Plant filed before December 8, 2004	550.00			
1083/2083	1.16(s)	Plant Application Size Fee – for each additional 50 sheets	250.00			
1014/2014	1.16(e)(1)	Basic filing fee - Reissue filed on or after December 8, 2004	300.00			
1004/2004	1.16(e)(2)	Basic filing fee - Reissue filed before December 8, 2004	790.00			
1019/2019	1.16(e)(1)	Basic filing fee - Design Reissue (CPA) filed on or after December 8, 2004	300.00			
1009/2009	1.16(e)(2)	Basic filing fee - Design Reissue (CPA) filed before December 8, 2004	790.00			
1204/2204	1.16(b)(2)	Reissue independent claims in excess of three	200.00			
1205/2205	1.16(i)	Reissue claims in excess of 20	50.00			
1084/2084	1.16(s)	Reissue Application Size Fee - for each additional 50 sheets	250.00			
1005/2005	1.16(d)	Provisional application filing fee	200.00			
1085/2085	1.16(a) 1.16(s)	Provisional Application Size Fee - for each additional 50 sheets	250.00			
1052/2052	1.16(g)	Surcharge - Late provisional filing fee or cover sheet	50.00			
1052/2052	1.17(i)	Non-English specification	130.00			
1033	1.17(1)	Non-English specification	130.00			
Patent Sear	ch Fees	•				
1111/2111	1.16(k)	Utility Search Fee	500.00	250.00		
1112/2111	1.16(l)	Design Search Fee	100.00			
1113/2113	1.16(n)	Plant Search Fee	300.00	150.00		
1114/2114	1.16(n)	Reissue Search Fee	500.00			
1117/2117	1.10(11)	Reissue Scareii i ee	. 300.00	230.00		
Patent Evan	nination Fees					
1311/2311	1.16(o)	Utility Examination Fee	200.00	100.00		
1311/2311	1.16(b) 1.16(p)	Design Examination Fee	130.00	65.00		
1313/2313	1.16(p) 1.16(q)	Plant Examination Fee	160.00			
1314/2314	1.16(q) 1.16(r)	Reissue Examination Fee	600.00			
1314/2314	1.10(1)	Reissue Examination ree	000.00	300.00		
Patent Post	Allowance Fee	· •				
1501/2501	1.18(a)	Substitution of the state of th	1 400 00	700.00		
1501/2501	1.18(a) 1.18(b)		1,400.00	700.00		
1502/2502		Design issue fee Plant issue fee	800.00	400.00		
1503/2503	1.18(c) 1.18(a)		1,100.00	550.00		
1511/2511	1.18(d)	Reissue issue fee	1,400.00	700.00		
1504	• •	Publication fee for republication	300.00			
1505	1.18(d)	Publication fee for republication	300.00			

[†] The 4000 series fee code may be used via EFS at http://www.uspto.gov/ebc/efs/.

1.20(j)(3)

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^{*} Reduced by basic filing fee paid.

Fee	25 OED	Decer-Air-	
Code	37 CFR	Description	
	Processing Fee:		2
6001	2.6(a)(1)(i)	Application for registration, per international class (paper filing)	3
7001	2.6(a)(1)(ii)	Application for registration, per international class (electronic filing)	3
5002/7002	2.6(a)(2)	Filing an Amendment to Allege Use under § 1(c), per class	1
5003/7003	2.6(a)(3)	Filing a Statement of Use under § 1(d)(1), per class	1
5004/7004	2.6(a)(4)	Filing a Request for a Six-month Extension of Time for Filing a Statement of Use	
		under § 1(d)(1), per class	1
5005/7005	2.6(a)(15)	Petitions to the Director	1
006	2.6(a)(19)	Dividing an application, per new application (file wrapper) created	1
201/7201	2.6(a)(5)	Application for renewal, per class	4
203/7203	2.6(a)(6)	Additional fee for filing renewal application during grace period, per class	1
204	2.6(a)(21)	Correcting a deficiency in a renewal application	1
205/7205	2.6(a)(12)	Filing § 8 affidavit, per class	1
206/7206	2.6(a)(14)	Additional fee for filing § 8 affidavit during grace period, per class	1
207	2.6(a)(20)	Correcting a deficiency in a § 8 affidavit	1
5208/7208	2.6(a)(13)	Filing § 15 affidavit, per class	2
210	2.6(a)(7)	Publication of mark under § 12(c), per class	1
5211	2.6(a)(8)	Issuing new certificate of registration	1
5212	2.6(a)(9)	Certificate of correction, registrant's error	1
5213	2.6(a)(10)	Filing disclaimer to registration	1
5214	2.6(a)(11)	Filing amendment to registration	1
401/7401	2.6(a)(16)	Petition for cancellation, per class	3
5402/7402	2.6(a)(17)	Notice of opposition, per class	3
5403/7403	2.6(a)(18)	Ex parte appeal, per class	1
,105//,105	2.0(4)(10)	21. pulled appears, per annual minimum in the period of th	
Frademark	Madrid Protoco	nl Fees*	
5901/7901	7.6(a)(1)	International application based on single application or registration, per class	1
5902/7902	7.6(a)(1) $7.6(a)(2)$	Certifying an International application based on more than one basic application	1
5902/7902		Transmitting a Request to Record an Assignment or restriction under § 7.23 or 7.24	1
	7.6(a)(3)	Filing a Notice of Replacement, per class	ì
5904/7904	7.6(a)(4)		1
5905/7905	7.6(a)(5)	Filing an affidavit under § 71 of the Act	
6906/7906	7.6(a)(6)	Surcharge for filing affidavit under § 71 of the Act during grace period, per class	1 1
5907/7907	7.6(a)(7)	Transmitting a subsequent designation	1
r11.	Carrier Franc	•	
	Service Fees	Printed copy of registered mark, delivery by USPS, USPTO Box, or electronic means	
3501	2.6(b)(1)		
3503	2.6(b)(4)(i)	Certified copy of registered mark, with title and/or status, regular service	
3504	2.6(b)(4)(ii)	Certified copy of registered mark, with title and/or status, expedited local service	
3507	2.6(b)(2)	Certified copy of trademark application as filed	
3508	2.6(b)(3)	Certified or uncertified copy of trademark-related file wrapper and contents	
3513	2.6(b)(5)	Certified or uncertified copy of trademark document, unless otherwise provided	
3514	2.6(b)(7)	For assignment records, abstracts of title and certification per registration	
3902	2.6(b)(9)	Self-service copy charge, per page	
3521	2.6(b)(6)	Recording trademark assignment, agreement or other paper, first mark per document	
3522	2.6(b)(6)	For second and subsequent marks in the same document	
8523	2.6(b)(10)	Labor charges for services, per hour or fraction thereof	
8524	2.6(b)(11)	Unspecified other services, excluding labor	ΑT
astener O	uality Act Fees		
5991	2.7(a)	Recordal application fee	
6002	2.7(4)	Denouvel amplication for	

^{*} The 7000 series fee code (e.g., 7001, 7002, etc.) is used for electronic filings via TEAS, which is available at www.uspto.gov/teas/. In addition, the 6000 series fee codes under the Trademark Madrid Protocol Fees are being offered for use as a paper-based filing alternative.

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6993

2.7(b)

2.7(c)

Renewal application fee.....

Late fee for renewal application

20.00

20.00

Fee Code	37 CFR	Description	Small Entity Fee Fee (if applicable)				
			•				
PCT Fees - National Stage							
1631/2631	1.492(a)	Basic National Stage Fee	300.0				
1641/2641	1.492(b)(1)	National Stage Search Fee - U.S. was the ISA	100.0				
1642/2642	1.492(b)(2)	National Stage Search Fee - search report prepared and provided to USPTO	400.0				
1632/2632	1.492(b)(3)	National Stage Search Fee - all other situations	500.0	0 250.00			
1643/2643	1.492(c)(1)	National Stage Examination Fee - U.S. was IPEA, and all claims satisfy PCT Article 33(1)-(4)	100.0	0 50.00			
1633/2633	1.492(c)(2)	National Stage Examination Fee - all other situations	200.0	0 100.00			
1614/2614	1.492(d)	Claims - extra independent (over three)	200.0	0 100.00			
1615/2615	1.492(e)	Claims - extra total (over 20)	50.0	0 25.00			
1616/2616	1.492(f)	Claims - multiple dependent	360.0	0 180.00			
1681/2681	1.492(j)	National Stage Application Size Fee - for each additional 50 sheets	250.0	0 125.00			
1617/2617	1.492(h)	Oath or declaration after 30 months from priority date	130.0	0 65.00			
1618	1.492(i)	English translation after 30 months from priority date	130.0	0			
	31.17-2(1)						
PCT Fees -	International St	age					
1601	1.445(a)(1)	Transmittal fee	300.0	0			
1602	1.445(a)(2)	PCT search fee - no prior U.S. application filed under 35 USC 111(a)	1,000.0	0			
1603	1.445(a)(2)	PCT search fee - prior U.S. application filed under 35 USC 111(a)	300.0	0			
1604	1.445(a)(3)	Supplemental search fee per additional invention	1,000.0	0			
1605	1.482(a)(1)	Preliminary examination fee - U.S. was the ISA	600.0	0			
1606	1.482(a)(1)	Preliminary examination fee - U.S. was not the ISA	750.0	0			
1607	1.482(a)(2)	Supplemental examination fee per additional invention	600.0	0 .			
1619		Late payment fee	VARIABL	E			
1620		Confirmed precautionary designation - confirmation portion	52.00)*			
1621		Transmitting application to Intl. Bureau to act as receiving office	300.0	00			
1624		Confirmed precautionary designation - designation portion	104.00)*			
	_						
	o WIPO or EPO		1.052.0	.			
1701		International filing fee (first thirty pages) - PCT Easy	1,053.0				
1702		International filing fee - (first thirty pages)	1,134.0				
1703		Supplemental international filing fee (for each page over thirty)	12.0				
1704		International search (EPO)	1,920.0				
1705		Handling fee	162.0				
1708		International CD applications	4,800.0				
Patent Enro	ollment Fees	•					
9001	1.21(a)(1)(i)	Application fee (non-refundable)	40.0	00			
9003	1.21(a)(2)	Registration to practice or grant limited recognition under § 11.9(b) or (c)	100.0	00			
9004	1.21(a)(3)	Reinstatement to practice	40.0	00			
9005	1.21(a)(4)	Certificate of good standing as an attorney or agent	10.0	00			
9006	1.21(a)(4)	Certificate of good standing as an attorney or agent, suitable for framing	20.0	00			
9010	1.21(a)(1)	For test administration by commercial entity	200.0	00			
7010	(ii)(A)						
9011	1.21(a)(1) (ii)(B)	For test administration by the USPTO.	450.0	00			
9012	1.21(a)(5)(i)	Review of decision by the Director of Enrollment and Discipline under					
		§ 11.2(c)	130.0	00			
9013	1.21(a)(5)(ii)	Review of decision of the Director of Enrollment and Discipline under	130.0	20			
0014	1.21(a)(10)	§ 11.2(d)	150.	-			
9014	1.21(a)(10)	misdemeanors	1,600.	00			

^{*} PCT fee codes 1620 and 1624 only apply to international applications filed prior to January 1, 2004.

^{**} WIPO and EPO fees subject to periodic change due to fluctuations in exchange rate. Refer to the Official Gazette of the United States Patent and Trademark Office for current amounts.

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ee lode	37 CFR	Description	
	rvice Fees		
001	1.19(a)(1)	Printed copy of patent w/o color, delivery by USPS, USPTO Box, or electronic means	
003	1.19(a)(2)	Printed copy of plant patent in color	
004	1.19(a)(3)	Color copy of patent (other than plant patent) or SIR containing a color drawing	2
005	1.19(a)(1)	Patent Application Publication (PAP)	
007	1.19(b)(1)(i)(A)	Copy of patent application as filed	
800	1.19(b)(1)(i)(B)	Copy of patent-related file wrapper and paper contents of 400 or fewer pages	20
009	1.19(b)(1)(i)(C)	Each additional 100 pages of patent-related file wrapper and (paper) contents, or portion thereof	4
010	1.19(b)(1)(i)(D)		2
011		Copy of patent-related file wrapper and contents if provided electronically or on a physical	4
) []	1.19(0)(1)(11)(0)	electronic medium as specified in § 1.19(b)(1)(ii)	4
12	1.10/6)/(1)/;;)/(7)		
		Each continuing physical electronic medium in single order of § 1.19(b)(1)(ii)(B)	1
41	1.19(0)(2)(1)(A)	Copy of patent-related file wrapper contents, other than as available in § 1.19(b)(1);	_
141 -	1.10(k)(2)(2)(2)	first physical electronic medium in a single order	5
)42	1.19(b)(2)(i)(B)	Each continuing copy of patent-related file wrapper and contents as specified in § 1.19(b)(2)(i)(A)	
)43	1.19(b)(2)(ii)	Copy of patent-related file wrapper contents other than as available in § 1.19(b)(1);	
	1.15(0)(2)(11)	provided electronically other than on a physical electronic medium	4
)13	1.19(b)(3)	Copy of office records, except copies of applications as filed	2
)14	1.19(b)(4)	For assignment records, abstract of title and certification, per patent	2
004	1.19(c)	Library service	5
15	1.19(d)	List of U.S. patents and SIRs in subclass	-
16	1.19(e)	Uncertified statement re status of maintenance fee payments	1
)17	1.19(f)	Copy of non-U.S. document	2
)50	1.19(g)	Petitions for documents in form other than that provided by this part, or in form other than	
	(8)	that generally provided by Director, to be decided in accordance with merits	ΑT
18	1.21(c)	Disclosure document filing fee	. 1
19	1.21(d)	Local delivery box rental, annually	5
)20	1.21(e)	International type search report	4
902	1.21(g)	Self-service copy charge, per page	
021	1.21(h)	Recording each patent assignment, agreement or other paper, per property	4
)22	1.21(i)	Publication in Official Gazette	2
23	1.21(j)	Labor charges for services, per hour or fraction thereof	4
24	1.21(k)	Unspecified other services, excluding labor	AT (
25	1.21(1)	Retaining abandoned application	13
026	1.21(n)	Handling fee for incomplete or improper application	13
27	1.296	Handling fee for withdrawal of SIR	13
		GENERAL FEES	
		SHIBITED TO BE SHIPE OF THE SHI	
	Service Fees		
201	1.21(b)(1) or	Establish deposit account	1
	2.6(b)(13)(i)		
202	1.21(b)(2) or	Service charge for below minimum balance	. 2
	2.6(b)(13)(ii)		
202	1.21(b)(3)	Service charge for below minimum balance restricted subscription deposit account	2
101	1.21(m) or	Processing each payment refused or charged back	5
	2.6(b)(12)		
mpute	r Service Fees		
31/853		Computer records	AT (